

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI

RE: James & Sarah Mills

Case No. 16-14011

**DEBTOR'S MOTION TO AVOID JUDICIAL LIEN**

COMES NOW the debtor, by and through counsel, and files this Motion to Avoid Judicial Lien against **Huron Smith Oil Co., Inc.** and for cause would show unto the Court that the debtor filed a petition for relief under Chapter 7 of Title II U.S.C. Prior to the filing, **Huron Smith Oil Co., Inc.** obtained a judgment in the Circuit Court of Panola County. The judgment was enrolled in the judgment roll prior to the filing. According to 11 U.S.C. 522 (f) (1) (A), the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would be entitled to if such lien is a judicial lien, other than a judicial lien that secured a debt under 11 U.S.C. 522 (f) (1) (A) (i) and (ii). The existence of the judicial lien impairs the debtor's exemption claims pursuant to Mississippi Code Annotated Section 85-3-1 and 85-3-21, as amended, and 11 U.S.C. 522 (f) (1) (A).

WHEREFORE PREMISES CONSIDERED, the debtor prays that an Order be entered avoiding the fixing of a lien on an interest of the debtor's property to the extent that such lien impairs an exemption to which the debtor would be entitled to security interest in the debtor's personal property pursuant to 11 U.S.C. 522 (f) (1) (A). The debtor also prays for such other relief to which he may be entitled.

RESPECTFULLY SUBMITTED, this the 29<sup>th</sup> day of November, 2016.

**/s/John M. Sherman**

John M. Sherman  
Attorney at Law  
Post Office Box 1900  
Clarksdale, MS 38614  
662-627-5301  
MB# 8807

**CERTIFICATE OF SERVICE**

I, John M. Sherman, Attorney at Law, do hereby certify that I have this day electronically filed the foregoing Debtor's Motion to Avoid Judicial Lien, with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

J. Stephen Smith  
Chapter 7 Trustee  
[trustee1@smithcpafirm.com](mailto:trustee1@smithcpafirm.com)

U.S. Trustee's Office  
501 East Court Street, Suite 6-430  
Jackson, MS 39201  
[USTPRegion05.AB.ECF@usdoj.gov](mailto:USTPRegion05.AB.ECF@usdoj.gov)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Huron Smith Oil Co., Inc.  
c/o James Andrew Yelton  
Attorney at Law  
P.O. Box 1615  
Batesville, MS 38606

Respectfully submitted, this the 29<sup>th</sup> day of November, 2016.

**/s/ John M. Sherman**

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